

## EXHIBIT E

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**From:** Helen Chaitman  
**Sent:** Thursday, May 11, 2017 5:12 PM  
**To:** Jacobs, Edward J.; Greg Dexter  
**Cc:** Cremona, Nicholas  
**Subject:** RE: Meet-and-confer: Trustee's Responses and Objections to Defendants' Second Set of Requests for the Production of Documents

The documents rebut Dubinsky's insolvency analysis.

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**From:** Jacobs, Edward J. [<mailto:ejacobs@bakerlaw.com>]  
**Sent:** Thursday, May 11, 2017 5:02 PM  
**To:** Greg Dexter <[gdexter@chaitmanllp.com](mailto:gdexter@chaitmanllp.com)>  
**Cc:** Helen Chaitman <[hchaitman@chaitmanllp.com](mailto:hchaitman@chaitmanllp.com)>; Cremona, Nicholas <[ncremona@bakerlaw.com](mailto:ncremona@bakerlaw.com)>  
**Subject:** RE: Meet-and-confer: Trustee's Responses and Objections to Defendants' Second Set of Requests for the Production of Documents

Hi Greg,

We are always happy to have a meet and confer, but you will need to address our relevance objections by articulating why you believe these documents are discoverable under Rule 26 in the first instance before it makes sense to discuss any other issue. We don't have any obligation to search for documents that aren't discoverable. At a minimum, we request you address our relevance objection and state your position on that prior to any judicial intervention.

Please let me know when it would be convenient to speak. I am generally available on Tuesday 5/16.

Regards,  
Ted

**From:** Greg Dexter [<mailto:gdexter@chaitmanllp.com>]  
**Sent:** Thursday, May 11, 2017 12:43 PM  
**To:** Cremona, Nicholas; Jacobs, Edward J.  
**Cc:** Helen Chaitman  
**Subject:** Meet-and-confer: Trustee's Responses and Objections to Defendants' Second Set of Requests for the Production of Documents

Nick/Ted:

I write regarding the Trustee's Responses and Objections to Defendants' Second Set of Requests for the Production of Documents (the "Requests").

We served two Requests on Trustee. The Requests seek all hold harmless and/or indemnification agreements between Bernard L. Madoff and the Four Families (Picower, Levy, Shapiro, and Chais). Madoff testified during his deposition that such documents exist and that the Four Families owed him approximately \$10 billion under the hold harmless and/or indemnification agreements. This goes to the solvency of BLMIS and is at odds with certain aspects of Dubinsky's report.

The Trustee has raised a series of objections to these Requests, such as that they are not relevant. The Trustee has also indicated that he performed a "reasonable search" that did not yield responsive documents, but he does not describe what this "reasonable search" entailed.

Because the Trustee objects to the relevancy of these Requests, we are concerned that what the Trustee might consider to be a "reasonable search" is unreasonable.

Accordingly, we ask that the Trustee please clarify what steps were taken to locate responsive documents as part of the Trustee's "reasonable search."

Thank you.

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